

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,                  )  
    )  
    )  
Plaintiff,                                    )  
    )  
    )  
v.    )     Case No. CR 22-40-D  
    )  
WILLIAM SHAWN KAYS,                        )  
    )  
    )  
Defendant.                                    )

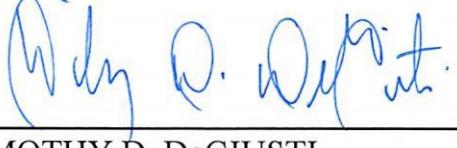
**ORDER**

Before the Court is Defendant William Shawn Kays' Motion to Strike Prejudicial and Misleading Surplusage from Counts 2 and 3 of the Superseding Indictment. [Doc. No. 42]. The government filed a timely response. [Doc. No. 44].

After Defendant filed the present motion, a Second Superseding Indictment [Doc. No. 71] was returned on June 8, 2022. In light of the Second Superseding Indictment, the Court finds that it should deny Defendant's Motion to Strike [Doc. No. 42] without prejudice to refiling a motion that addresses the Second Superseding Indictment [Doc. No. 71], the Superseding Indictment [Doc. No. 33], or both.

**IT IS THEREFORE ORDERED** that Defendant's Motion to Strike Prejudicial and Misleading Surplusage from Counts 2 and 3 of the Superseding Indictment [Doc. No. 42] is **DENIED** without prejudice to refiling

**IT IS SO ORDERED** this 14<sup>th</sup> day of September, 2022.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge